562 583 inevitably leave the community, she can never claim any authority. Thus condemned to perpetual powerlessness, a woman never has the right to any position other than an inferior one in native society. Motives based on interest or affection may modify her situation more or less to her advantage, but they will not change her basic rights, which are at the root of all disputes about women, between spouses or between communities.

II. The Community of Property

421 What is the property of which the patrimony is composed?

It is impossible to provide a detailed list, which would, in any case, be endless. Nor should we limit ourselves to the definitions of our legal system, which are too narrow. From the native point of view, patrimonial property [187] may be divided into three principal categories.

[776] First, there are the gods; the manes, or souls of the ancestral protectors of the family; and the nyana, the gods created by the magician. Some of them protect only the community, while others are also concerned with other collectivities. Finally, there are the innumerable magic weapons, which are gods of a sort. In the discussion of the duties of the fa, I spoke of these gods, and they are also mentioned in other parts of this work.

421 424 A second category of property is made up of the reciprocal rights of the community and its members, on the one hand, and of the community and similar collectivities, on the other. I have just explained the first, and the second will be dealt with later in the chapter under the heading "Relations between Communities."

421 422 423 Finally, all the things that are particularly valued make up the third category: gold; cattle and sheep; grain; agricultural, industrial, and commercial products of all kinds; dwellings; etc. Three points related to this last category require special consideration: agrarian usufruct, conjugal usufruct, and slaves.

421 424 596 614 Finally, the status of a community is, as it were, synthesized and symbolized by the "honorable name" (dyamu), by which this collectivity titles itself and which it considers one of its most precious possessions.

423 Agrarian usufruct. Ownership of land does not exist. Each family has a right of use, uncertain in principle but permanent in fact, over the lands assigned to it in the domain of the genie-protector (nyana dugu-da-siri).

It may happen that a single family is the sole beneficiary of a given domain because it is the only one linked to the genie protecting the place.

More generally, various families are under the protection of the same local genie, whose domain in that case includes the parts exploited in common as well as the fields expressly assigned to individual families under its protection. The agrarian usufruct which is included as part of the community property exists with respect to these individual fields.

This usufruct differs from that recognized by our law. It is the dugu-tigi and his council who allot the common lands, and the process always involves wrangling and [187] deals. In principle, the plot assigned remains indefinitely with the family benefited if it is continuously farmed and an annual fee is paid. Following the land for several years is permitted. The family exploiting the land may use it in any way, and its right is as complete as possible, short only of alienating it. The family may lease, cede, or pawn its usufruct. If a transaction involves a foreigner, however, it may not be concluded without the consent of the dugu-tigi, who consults his council. In general, any action which might conceivably injure the welfare of the community as a whole must be submitted to the dugu-tigi for approval before being undertaken.

The usufruct comes to an end under the following circumstances: when a family permanently leaves the community governing the fields; when the dugu-tigi and his council decide to dispose of the land for reasons which they are not required to give; when a family gives the land up voluntarily or has been deprived of it because it has been used in a manner contrary to the interests of the agrarian community.

782 genie. The same is done with libations of dlo or the juice of
796 kola nuts. Since anything offered to the genie is supposed to be
[786] consumed on the spot, an orgy lasting for several days usually follows.

782 In addition to these two great obligatory ceremonies especially concerned with the exploitation of the land, the god's protection is sought by similar, but much simplified means in all affairs whether they concern the entire settlement (wars, disasters), a particular patriarchal or familial community, or even a single individual. Through the high priest as intermediary, the offering and the request are made for the purpose indicated by the petitioner, who often promises to make a further gift to the genie when his wish has been granted. Vows of this type are made very frequently.

794 The cult of his high [230] priests and of all the im-
769 portant men of the settlement is tied in with the cult of the genie, obviously a consequence of the fact that the genie is the spiritual patron of the community which honors him; its members are his children and with him form what amounts to a family. So, in line with what happens in a patriarchal or familial community, the territorial community also holds an annual festival for the dead, during which special honor is paid to noted personages, among whom deceased high priests have first place.

311 Exploitation of the land. The high priest in charge of
621 the cult likewise regulates everything concerning the exploita-
●423 tion of the terrestrial domain of the genie, and in this capacity
793 he is known as the dugu-tigi (1), master of the earth. In this

1. In line with common practice, I shall henceforth use this title to designate both capacities, the high priest and the master of the earth.

office he has the help of the council of fa, and in important matters he must follow their advice.

With the help of this council, he allots the land when

311 the community is founded. His permission is required before
621 anyone may build a dwelling in the portion reserved as the seat
●423 of the community; the village is therefore kept within precise
793 limits. In practice, however, everyone builds wherever he pleases if there is no objection. If there is an objection, the dispute is settled by the dugu-tigi and his council.

423 Outside the village proper, the terrain includes fields
621 which, either at the start or during the course of settlement, are allotted in perpetuity to the various fa of the community by the dugu-tigi in council. Each fa and his dependents have indefinite use of the same fields, although by law the authority which assigned them may take them away without being required to justify the act. This use is a kind of usufruct that is more extensive than that of our law, since the beneficiary may
[425] use the land without restriction, except that he may not alienate it. The tenant, however, may not use the land in any way that might be prejudicial to the community as a whole without the consent of the dugu-tigi and council. For example, such would be the case if he proposed to give his right of use to an outsider.

Any land not specifically allotted [231] and anything it produces or contains belongs, theoretically, to the member of the community who cultivates it. Certain fruits or produce, however, are sometimes reserved for the community as a whole: the leaves or fruit of the baobab, karite, nété, tamarind trees, etc.; the fish in certain ponds, watercourses, fluvial zones,
[476] etc.; the game in certain cantons, etc. On the dates set for these collective enterprises by the dugu-tigi and his council, the people proceed in a body to gather fruit, harvest the crop, fish, or hunt. Sometimes each person is allowed to keep what he has gathered; sometimes all the proceeds are collected for the dugu-tigi to distribute according to custom. There are also special regulations governing the extraction of matter or materials from the ground.

621 Organization of the territorial community. The duties
622 of the dugu-tigi and his council are not limited to directing the cult and regulating the use of land. Anything that happens within the territorial community concerns the nyana-dugu-da-siri, because the members of the community are his children

631 Bambara, with whom we are here concerned. Each writer, however, uses these terms to refer to an ill-defined type of authority, sometimes without even attempting a critical comparison with similar institutions in our own countries.

This uncertainty is accompanied by other such doubtful similarities, which result in confused conceptions. Is it not common to speak of feudalism, of a feudal system, to describe the kind of hierarchy among various native chiefs? In the Sudan, however, there is no connection between man and the land comparable to that which was the basis of the feudal system. Indeed, no such meaning is possible, since the Sudanese does not recognize any right of ownership of land. Therefore, political ties between native chiefs are never based on land; how then can one speak of a feudal system?

614 As a matter of fact, the social unit is the community based on the family; it develops into a patriarchy and expands into a tribe and a people. Its members are united by blood ties, which are confirmed by the ancestor cult. [288]

Since they are proud and jealous of their freedom, communities seek to remain independent. Their relationships, however, determined especially the occupation and exploitation of a common territory, force them to give up this independence, and joining together in the same cult, the sign of their spiritual solidarity, they form a dugu (1).

1. This word is not without ambiguity. On the one hand, it means "that which is below," hence, "the soil"; on the other hand, it means "place," "residence," or "at the home of." It is understood to mean "territory" or "country" occupied by a human collectivity, and by an easily understandable deviation, it likewise designates the organization which governs this collectivity in relation to this territory.

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701 3. The ton-koro-bolo behind the disi is a special reserve formed entirely of pure ton-dyon.

4. The keli-tigi was the chief of the expedition, designated by the Fama. He might be a dyon-kuntigi (chief of the furuba-dyon), a member of the Fama's community, or the Fama himself.

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534 Finally, the army was accompanied by a musical corps, composed essentially of drums which transmitted messages. There were armpit drums (dunkan'), shoulder drums (taura), three-legged drums (dange), drums carried by two men (tabala), and coupled drums (denuba). Often horns (buru) were added, sometimes small horns made of ivory or horn, and sometimes xylophones (bada) and cowbells.

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537 A dyeli (griot) follows the expedition to observe the exploits that he must retransmit; he must encourage the warriors and dispel panic by the power of his oratory.

B. Influence of Social Organization on Economic Life

a. The ton, Work Community

621 We have seen that the social unit among the Bambara is the community. The community is also the work unit and the economic unit. The independent individual is not conceived of. The community owns all the wealth which makes up the spiritual and material patrimony: the land, the agricultural, industrial, and commercial products, the habitations ...

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[431] The community regulates the exploitation of the land. The dugu-tigi is the first occupant, master of the land, of which he distributes the lots to the different family heads. When a stranger, a family head, wants to enter into a community, he chooses an unoccupied field and asks the village chief for it. The request is accompanied by ten kola nuts and a chicken. Authorization cannot then be refused. The chief of the land sacrifices the chicken before the entire community and informs it of the installation of the newcomer. When the stranger wants to leave the land, he is given back his chicken and kola nuts.

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622 Land assigned to a family head may always be taken back from him without justification by the dugu-tigi and his council.

423 621 622 Thus, the man holding the land can neither sell it nor take any action regarding it which would involve the interests of the whole community; but he can rent it out, pledge it, or [62] cede it, which leads to manifold disputes at the time of redistribution of the land in the case of cyclical cultures.

621 622 652 The dugu-tigi also prepares the community's budget. The resources include: gifts made to the gods, thanksgiving offerings for the hunt, for the fishing catch, and for the millet harvest, payments for concession of land or for services rendered, rent of community goods (fixed revenues or exceptional tribute), receipts from fines, confiscations, escheatage, and finally, the extraordinary aid formerly obtained for war, constructions, etc.

[651 746] Among the expenditures are included the cost of supporting members of the community if need be, of maintaining the proper appearance, assistance to the sick, and, especially, the tax or tribute formerly paid to the sovereign, legitimate or not, and today paid to the French administration.

596 The family patrimony (tien) is administered by the fa, head of the family. A. Aubert (1) gives us the composition of this

> 1. A. Aubert, Coutume bambara (cercle de Bougouni) [Bambara Custom (Bougouni Circle)].

patrimony which includes: "Rights on the lands cultivated by the community; animals; serfs; money owed and money owing; the dowries of the daughters and women who are issue of members of the settlement; the inheritances; the dwellings of the settlement and their furnishings; the foodstuffs of the communal granaries (foro-ba), and, in general, all wealth resulting from the communal work of the family members."

Moreover, the fa must: "see to the material life of all the members of the family; provide dowries for the women of the community; pay back the dowries of the women of the community who are to be divorced; ransom members of the family who are taken prisoner or are sold, and pay taxes in goods or in money."

b. Organization of Work

241 621 Work on the land is the only kind of work suitable for free men, for to work the land is to purify it. All agricultural operations [622 are set in motion by the dugu-tigi and are regulated by the fa who 596] assigns tasks by age classes. Each member of the community must work for it every day, except Monday and Thursday, from dawn to about 4:30 p.m. He may be helped, or even replaced, by his children and his captives. The rest of the time he may work for himself in his personal field or in the little fields situated along the water courses and the rivers, which are not periodically redistributed and are considered almost as personal and hereditary property. The fruit of this labor constitutes the personal savings of the community member.

316 423 The exploitation of the subsoil is governed by other rules which we still know only imperfectly. Like the soil, the subsoil belongs to the master of the land. Iron ore was extracted solely by the [326] blacksmith who paid the master of the land a rent in the form of hoes or axes. To exploit the gold mines, thousands of natives went in family groups to the placers at the beginning of the dry season. [63] The location of the placers was determined by the priests and changed every year. The men dig multiple small holes very close to each other, which may go very deep depending on the depth of the barren layer. When the calabashes of gold-bearing earth are brought up, the women wash the earth. The placers are abandoned at the beginning of the rains after three or four months of exploitation. Before the French occupation, gold was the exclusive property of the Fama and could in no case be the object of commerce. To- [439] day, gold is generally sold at the placers to Syrian, native, or European merchants, who have established veritable shops at the mining centers, shops which contain everything necessary for the miner's life.

463 554 The exercise of a profession other than the cultivation of the land is reserved to artisans who are accorded the insulting name of nyaman-kala, for only work on the land is noble work. These artisans form separate families in every Sudanese society, which has caused Europeans to call them, improperly, people of caste. They are divided into independent guilds.

422 The idea of transferable property is complex in native law.
423 The distinction between movable and immovable goods is often difficult to establish; the huts of uncertain durability are easily moved, while a Fama's throne is attached to a fixed site and cannot be considered movable.

423 Land ownership poses problems still more complex. We have seen that land is never sold. The lands have a primary owner who is the spirit of the bush or a mythical ancestor, a possessor who is the first occupant having concluded a pact with the master of the soil, and, finally, a detainer who has received the land in usufruct from the possessor. The detainer is a family head, and the field he has received belongs to his community which exploits it. But after long years of working the land, the detainer tends to consider himself the owner of it, and when he leaves it during a cycle of crop rotation, it sometimes happens that the land's possessor bestows the [578] détainer's old vacant field on a newcomer, which gives birth to interminable disputes between the old and new cultivators. We have seen elsewhere how certain plots of land particularly well-placed on river banks or near huts were meticulously [74] cultivated. These tend to become veritable private property which families hand down from one generation to the next. In addition to the family fields, there exist fields reserved to certain brotherhoods, such as the n'Domo or the Gna, the members of which work the fields to meet the needs of the cult. Finally, two days each week each community member has the right to cultivate his own personal field which is outside the control of the family. These fields take on more and more importance with the development of a sense of individualism and with it a sense of individual property.

We see, then, that land may be meted out for the benefit of family, religious, or interfamily groups, or for the benefit of individuals. Although none of the parties holding the land are acknowledged as owners, they make use of it as if they were the masters and go so far as to transmit it to their heirs.

It must be noted that a special law exists to regulate the possession of trees and the gathering of their fruits, and the trees are not necessarily connected legally to the fields where they grow. Certain trees, the home of spirits, belong to a certain family, while others, such as the karite, are common property, and their fruits belong to the collectivity.